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Attorneys for Defendants
FRITO-LAY NORTH AMERICA, INC. and
PEPSICO, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JESSE HOUGHTAILING,

Plaintiff,

v.

FRITO-LAY NORTH AMERICA, INC., and
PEPSICO, INC., AND DOES 1 TO 100,
inclusive,

Defendants.

CASE NO. 3:11-cv-05062-TEH
Judge: Hon. Thelton E. Henderson

**STIPULATION AND REQUEST TO
CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER GRANTING
CONTINUANCE**

Action Filed: August 24, 2011
Removal Filed: October 14, 2011
Trial Date: None Set

{100011275}

CASE NO. 3:11-cv-05062-TEH

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE

1 TO THIS HONORABLE COURT:

2 Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and
3 Defendants Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their
4 counsel, do hereby agree, stipulate, and respectfully request as follows:

5 1. WHEREAS, the further case management conference in this case is currently
6 scheduled for Monday, April 30, 2012 at 1:30 p.m., before the Court;

7 2. WHEREAS, Defendants subpoenaed Plaintiff's medical records on or about
8 February 24, 2012 for production on March 23, 2012;

9 3. WHEREAS, Defendants have not received the entirety of the subpoenaed
10 documents to date;

11 4. WHEREAS, the parties have agreed and Defendant Frito-Lay North America, Inc.
12 has noticed Plaintiff's deposition for May 10, 2012. The parties tried, but were unable to agree to
13 an earlier date due to scheduling conflicts;

14 5. WHEREAS, the parties believe that it would be most productive to conduct the
15 further case management conference after Defendant has deposed Plaintiff;

16 6. WHEREAS Plaintiff and his counsel have another case before this Court, Jesse
17 Houghtailing v. Crown Equipment Corp., Case Number 311-cv-05040-TEH, and the further case
18 management conference for that matter is also currently scheduled for April 30, 2012 at 1:30 p.m.;
19 and

20 7. WHEREAS counsel for Crown Equipment also agrees to a continuance of the
21 further case management conference because it too has discovery that is currently outstanding;

22 8. THE PARTIES HEREBY STIPULATE to continue the currently scheduled further
23 case management conference from April 30, 2012 until June 11, 2012. The parties are also
24 available for a further case management conference on June 4, 2012.

25 //

26 //

27 //

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IT IS SO STIPULATED.

Dated: April 5, 2012

DuCHARME & COHEN

By /s/ James A. DuCharme
JAMES A. DuCHARME

Attorneys for Plaintiff
JESSE HOUGHTAILING

Dated: April 6, 2012

VILLARREAL HUTNER & TODD PC

By /s/ Julie Wong
TRACY S. TODD
JULIE WONG

Attorneys for Defendants
FRITO-LAY NORTH AMERICA, INC.
and PEPSICO, INC.

ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

I attest that concurrence in the filing of this document by the signatory James A. Du Charme, has been obtained, and that a record of the concurrence shall be maintained by Villarreal Hutner & Todd PC.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed at San Francisco, California this 6th day of April, 2012.

/s/ Julie Wong
JULIE WONG

~~[PROPOSED]~~ ORDER

Having considered the foregoing stipulation of the parties, the Court orders the further case management conference in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-TEH, continued to June 11, 2012, at 1:30 p.m. in Courtroom 12. The parties shall meet and confer and file a joint case management conference statement on or before June 4, 2012.
IT IS SO ORDERED.

Dated: _____ April 9, 2012

